

TOWN OF THORNTON PLANNING BOARD

Approved on: 1/16/2020
PB Initials: SS
Rec'd by Town Clerk on: 1/27/20
Town Clerk Initials: dgm

Planning Board Meeting Minutes Thursday, December 19, 2019

CALL TO ORDER – SALUTE TO THE FLAG:

Vice-Chairman F. Freeman called the meeting to order and led the Pledge of Allegiance at 6:01 p.m.

ROLL CALL:

Members present: F. Freeman, P. Laufenberg, D. O'Donnell, R. Sabourn

Alternates present: J. Piehn, C. Schofield

Members/Alternates absent: S. Babin, B. Dutto, F. Gunter, L. Hoyt, G. Kimball,

Vice-Chairman F. Freeman acknowledged that a quorum was present, there being four (4) members in attendance. He then appointed Alternate J. Piehn to sit for the evening in place of absent Member B. Dutto and Alternate C. Schofield to sit for the evening in place of absent Member L. Hoyt.

Others present: Brian Regan

APPROVAL OF MINUTES:

1. Upon distribution and review of the meeting minutes of November 21, 2019, the members took the following action:

MOTION: "To accept and approve the Minutes of the Thursday, November 21, 2019 meeting as amended."

Motion: D. O'Donnell

Second: F. Freeman

Discussion: B. Regan stated he had received some minor input as to suggested corrections or changes and the final version is presented as amended.

Motion passes: 6-YES, 0-NO

PRELIMINARY BUSINESS: None

COMMUNICATIONS: None

REPORTS: None

UNFINISHED BUSINESS:

1. Review/action on matter of Short-Term Rentals.

F. Freeman stated that he, D. O'Donnell and B. Regan met the week prior. They contributed and determined an efficient, neat, and appropriate proposal to put forth to the Town which B. Regan restated in three sections:

- 1) Definition: Short-term residential rental means any transient occupancy of a dwelling unit or any portion thereof under a written or unwritten lease, license or agreement for a term of thirty days or less.
- 2) Article V of the Zoning Ordinance: Insert wording that lists permitted uses in various zones. State in the preamble that the Planning Board shall have the authority to adopt regulations relative to short-term residential rental of dwellings having non-resident owners. Revise Item 11 to state "renting of rooms and

furnishing of board in private, owner-occupied, family dwellings to resident guests on a long-term or short-term basis”.

3) To include short-term residential rental into the table that lists allowable uses with a footnote that any further regulations would apply to that.

R. Sabourn raised a concern that regulations are being limited to non-resident onus.

D. O'Donnell stated that was intentional as it seemed that public opinion concern was for properties that were non-owner occupied.

R. Sabourn agreed but stated we should not tie our hands to non-resident ownership issues. He sees a problem that it might be perceived that we are favoring one party over another. He doesn't want to leave something out that has the potential to be a problem. He believes there should be two sets of standards; do we want to qualify it as non-resident owners only.

D. O'Donnell stated the impetus was to clarify Item 11.

P. Laufenberg agreed with R. Sabourn; knowing that a much more specific regulation is forthcoming, this should be left vague (omitting “having non-resident owners”) allowing us to delve deeper into the actual regulation.

F. Freeman, D. O'Donnell, and R. Sabourn acknowledged agreement to this omission.

B. Regan confirmed that changing the statement is not detrimental in any way and the regulations can be used to clarify.

D. O'Donnell noted in Laconia's regulations they are using the word “prohibiting” frequently; we are not prohibiting anything from being rented – we are trying to regulate.

It was noted that we do use the word prohibit in the rules and regulations in that they are prohibited in certain zones.

R. Sabourn made mention that we do not have a zoning compliance officer or building inspector or code compliance and this will fall to the Board of Selectmen. He wonders if we will be able to enforce these regulations that we adopt; it will take money, litigation money; expertise and time. The comment has been made numerous times that the Town does not want a real compliance officer.

Further discussion proceeded on the possibility of hiring a compliance officer or sharing one with Campton.

MOTION: “To approve the proposed amendment to Article II, Definitions of Zoning Ordinance, and set the matter for public hearing on Thursday, January 16, 2020, at 6:15 p.m. as written in the draft: Short-term residential rental means any transient occupancy of a dwelling unit or any portion thereof under a written or unwritten lease, license or agreement for a term of thirty days or less.”

Motion: F. Freeman

Second: R. Sabourn

Discussion: None

Motion passes: 6-YES, 0-NO

MOTION: “To approve the proposed amendment as demonstrated in our hand-out to Article IV, Table of Uses of the Zoning Ordinances, and set the matter for public hearing on Thursday, January 16, 2020, at 6:15 p.m.”

Motion: F. Freeman

Second: R. Sabourn, for the point of discussion

Discussion: D. O'Donnell was still unclear as to it being permitted in a residential zone. F.

Freeman stated places will be subject to rules and regulations that are not in place now. Even in a residential zone, a case can be made that short-term rentals can exist in a limited fashion which will be defined further in rules and regulations.

P. Laufenberg stated this is getting the zoning prepped to then be more specific where he would envision a much stricter regulations being put in place.

Discussion noted that this is a beginning step to get the Town involved at town meeting; do they want short-term rentals regulated. This is not regulatory at this point – only a step forward to see if the townspeople want such regulations.

Motion passes: 6-YES, 0-NO

MOTION: “To approve the proposed amendment with the following revision: to delete the words ‘having non-resident owners’ so that the Article V, Permitted Use will state ‘the Planning Board shall have the authority to adopt regulations relative to short-term residential rental of dwellings’ and include the rewording of Line 11 in the Permitted Uses to state ‘renting of rooms and furnishing of board in private, owner-occupied, family dwellings to resident guests on a long-term or short-term basis in all zones’ and set the matter for public hearing on Thursday, January 16, 2020 at 6:15 p.m.”

Motion: F. Freeman

Second: P. Laufenberg

Discussion: None

Motion passes: 6-YES, 0-NO

2. Review/action on NH Office of Strategic Initiatives (OSI) suggested change to Flood Plain section of the Zoning Ordinance

B. Regan reviewed this matter noting that at the last meeting it was agreed to take a step requested by the OSI and make a minor change to the Zoning Ordinance in the Flood Plain area. Before the Board is the existing Section IX and the revised Section IX with their language added. This would need to go on the ballot at Town Meeting.

R. Sabourn believes we should adopt the wording that OSI has requested. They are attempting to ensure all structures are elevated at least two feet above the highest adjacent grade next to the structure. By doing this, you are in compliance with the requirements of the flood plain ordinance at the federal level and the Town will not lose the flood insurance part of the program.

MOTION: “To approve the proposed amendment to the Flood Plain Hazard area section as written and to set the matter for public hearing on Thursday, January 16, 2020 at 6:15 p.m.”

Motion: D. O'Donnell

Second: J. Piehn

Discussion: None

Motion passes: 6-YES, 0-NO

3. Tax Map 6 Lot 2-23: Caulder Excavation Bond Matter

B. Regan reminded the Board that this was a matter presented at the last meeting, which had been a continuing issue. Based on discussions at that point, B. Regan did send a letter to the bonding agent and owners, making one last request of them. He received a response from the bonding agent who talked to the client. B. Regan proposed they complete the project by June 30th to the satisfaction of the Town or they pay the bond. They agreed to this except they will pay up to what the cost is to complete the project if it is not completed. This is what is now presented to the Board.

P. Laufenberg questioned whether the \$5,000 bond would cover the work that needs to be done. R. Sabourn stated this would cover the dirt work that needs to be done; there were tree planting requirements also.

B. Regan stated this will be tough to enforce as there were no before and after pictures. He noted it was not a total disaster; the lot is fairly level with end banks that have not been finished. There is not a lot of work left to be done at this point.

R. Sabourn believes the \$5,000 is more than enough to cover the work that needs to be done.

Further discussion on bond amounts, how they are set, who sets them, etc. R. Sabourn suggested the Board hire a professional engineer to look at a site and determine an appropriate bond which the developer would pay for.

MOTION: "To acknowledge and accept the applicant's agreement to complete reclamation or forfeit surety as follows: Caulder agrees to complete the reclamation work, to the satisfaction of the Town of Thornton, in accordance with approved application and plan by or before June 30, 2020. Should Caulder fail to do so, Hanover will pay on the surety up to the \$5,000 bond amount (should the remaining work to be done be less than the \$5,000 bond penal sum, Hanover would pay that amount) within 14 days."

Motion: F. Freeman

Second: D. O'Donnell

Discussion: C. Schofield wondered if the document on file was up to date. B. Regan noted that this situation came up because the owners (Caulder) were contacted about their expired excavation permit at which time they said they would come in to renew it and file another application – which they failed to do. The insurance company notified us that their bond was due to cease on June 22nd. Action was then taken and the bond is in place.

Motion passes: 6-YES, 0-NO

HEARINGS: None

OTHER BUSINESS:

1. Petition for Zoning Map amendment

P. Laufenberg stated he has a petition warrant article to change zoning; essentially to see if the Town will vote to re-zone the area currently zoned as commercial to general residential for the area of residential developments known as Country Acres, Phases I – IV, Upper Tecumseh View and Lower Tecumseh View laid out in the appropriate Town records. He stated he has 27 signatures.

B. Regan stated 25 registered voter signatures are needed.

P. Laufenberg stated this is the neighborhood that he and J. Piehn live in; all of Banjo Drive and Centennial Way. The area is zoned as commercial and it is clearly a residential neighborhood and they feel it should be zoned as such, as do the 27 people who have signed the petition.

B. Regan stated proper procedure would be an amendment to the Zoning Ordinance, which can be done by the Planning Board.

R. Sabourn wondered if they would be required to have a zoning hearing; he believes this would be in their best interest.

B. Regan stated he could not speak to that, so suggests if that is a possibility a motion could be drafted that would allow either. He can check this out in the interim.

R. Sabourn wondered if the petition was specific enough as to what area is being represented – would someone not from our area know what land is being petitioned.

B. Regan stated that the petition presented should include back-up documentation and maps for clarification.

MOTION: "That this board accept and endorse the petition presented to seek re-zoning of the residential development areas identified as 'Country Acres' (Phases I-IV), 'Upper Tecumseh View' and 'Lower Tecumseh View' from a Commercial (C) zone to a General Residential (GR) zone. Further, that this board set the matter for public hearing on January 16th at 6:40 p.m. and forward the petition documents to the Town Clerk and Select Board for further processing."

Motion: R. Sabourn

Second: C. Schofield

Discussion: No further discussion

Motion passes: 4-YES, 0-NO, 2-ABSTAIN (P. Laufenberg, J. Piehn)

ADJOURNMENT:

The following motion was made at 7:27 p.m.

MOTION: "To adjourn."

Motion: J. Piehn

Second: D. O'Donnell

Discussion: None

Motion passes: 6-YES, 0-NO

Respectfully Submitted,

Brian Regan, Planning Director

Thornton Planning Board Meeting

December 19, 2019

6:00 p.m.

Sign-in Sheet

PLEASE **PRINT** YOUR **NAME** **AND** **ADDRESS**.

Thank you!

Name

Address

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____